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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

May 11, 2006

The Honorable Stephen Johnson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Johnson:

We are writing to you regarding the Environmental Protection Agency's role in debris removal activities undertaken in response to Hurricanes Katrina and Rita. We are concerned about the pace and handling of debris cleanup in the affected areas.

There are almost 22 million tons of debris from Katrina and 500,000 tons from Rita. To facilitate redevelopment in the region, it is critical that debris be removed as quickly as possible. It is also critical that debris be collected, separated, and disposed of properly both to protect the health and safety of workers and residents returning to the area and to prevent any long-term environmental or health effects.

First, we ask you to provide a summary of your agency's participation in the debris clean-up mission. Specifically, please provide information on the number of personnel EPA has detailed to the affected area on a daily basis and a description of their missions. Please include a description of the level of effort history and projections (including manpower and funding requirements), funds expended, and a description of any major hurdles you have encountered.

Second, please provide a summary of the actions that EPA has taken and continues to take to ensure that debris is sorted, handled, and disposed of in an appropriate manner. In addition to the summary, we ask that you respond to these specific questions:

1. Debris Sorting
 - a. How is debris being sorted, and what quality control mechanisms are in place to ensure that proper sorting is completed prior to disposal?
 - b. Please include a description of any violations of procedure you detected and how they were resolved?

2. Debris Disposal

a. Open Burning

- i. What protocols has EPA established to dictate the disposal method for different types of debris?
- ii. Specifically, what types of debris are to be disposed of in landfills or through open burning?
- iii. Is the EPA aware of any open burning or any air curtain incineration that has occurred?
- iv. If so, how many open burns have occurred and where were they located?
- v. What have any air sampling test results shown regarding contaminants of concern?
- vi. Please identify all pollutants identified, the emission rates and whether each rate exceeds relevant limits or thresholds.
- vii. How is the EPA working to determine when open burning should be used and when it is inappropriate?
- viii. What criteria are being used to make those determinations, who has made them, and are meteorological conditions being considered?
- ix. Please describe how any open burning conducted to date by the Corps complies with section 129 of the Clean Air Act, exempting incinerators from strict federal regulation only if the debris is analyzed and known to be only clean wood and vegetative materials?
- x. What information has been and will be provided to technicians and residents regarding planned open burns and precautions they should take during that time?
- xi. Who is responsible for this notification process?

b. Asbestos Protocols

- i. Please describe the asbestos protocols in use for both handling and removal of asbestos-containing material. Please include the source of the protocols, their date of issuance, a description of the role of the EPA in developing these protocols, and any hurdles in their use that have been identified and the plan to resolve those hurdles.
- ii. How are asbestos protocols being communicated to technicians and residents?
- iii. Has the asbestos protocol been updated since its adoption?
- iv. How is the asbestos protocol approved by the Louisiana DEQ for use at the Gentilly Landfill different than standard asbestos handling protocols? Please identify any increased or decreased risk that may exist with such protocols?

c. Landfill Capacity

- i. Which landfills are being used for debris disposal?
- ii. What protections are in place at the landfills to ensure that debris has been properly separated prior to disposal?
- iii. Is there adequate capacity at area landfills to accommodate debris?

- iv. Have any modifications been made to the types of waste that may be disposed of at any area landfills, and if so, what are they?
 - v. How is EPA ensuring that the debris delivered to area landfills actually meets the requirements for waste that may be accepted at those landfills?
 - vi. How many personnel does EPA have detailed to the affected area for landfill inspection, observation, or other functions?
 - d. Recycling
 - i. How do the debris removal contracts promote recycling?
 - ii. What provisions have been made for or directions provided to contractors for the use of hurricane debris as construction fill, road bed material and other re-uses that could speed the cleanup of communities?
 - iii. What analysis has been done as to the impact recycling could have on landfill space?
- 3. Coordination
 - a. Local governments
 - i. How is the EPA coordinating with local governments?
 - ii. Have any violations of dumping and sorting debris been identified? If so, please describe them, the corrective actions that were taken, and the status of any ongoing investigations by the EPA or other agencies.
 - iii. Please describe any differences in the handling of waste by the entities conducting debris removal, such as Army Corps and the City of New Orleans, at landfill locations shared by both entities.
 - b. State and Federal Agencies
 - i. Please describe how the EPA is coordinating with LDEQ and the Army Corps of Engineers to ensure that environmental requirements of the debris mission are fulfilled.

Thank you for your rapid response and evaluation of these issues. The health and safety of the thousands of emergency workers, residents, and visitors to the New Orleans area depends on the EPA's efforts to ensure that debris is removed quickly in an appropriate manner.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jim Jeffers", written over a horizontal line.A handwritten signature in blue ink, appearing to read "Tom Page", written over a horizontal line.